

ORIGINAL

MIRANDA DU (#5288)
MCDONALD CARANO WILSON LLP
100 West Liberty, 10th Floor
P.O. Box 2670
Reno, NV 89505-2670
(775) 788-2000

Attorneys for Defendant

U.S. DISTRICT COURT
DISTRICT OF NEVADA
FILED

DEC 27 2005

CLERK, U.S. DISTRICT COURT

BY _____ DEPUTY

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

KIM BOHLMAN,

Case No. CV-N-05-666-ECR-RAM

Plaintiff,

vs.

ANSWER TO COMPLAINT

SILVER LEGACY CAPITOL CORP.,
dba SILVER LEGACY CASINO and
DOES I-X,

Defendant.

Defendant Circus & Eldorado Joint Venture Dba The Silver Legacy Resort Casino (incorrectly named herein as Silver Legacy Resort Capitol Corp.) ("SILVER LEGACY") answers plaintiff Kim BOHLMAN's ("BOHLMAN") Complaint and Jury Demand as follows:

1. SILVER LEGACY admits that BOHLMAN is employed with SILVER LEGACY and received a "Notice of Right to Sue" from the United States Equal Employment Opportunity Commission, but is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in paragraph 1 and therefore denies the same.

2. SILVER LEGACY admits the allegations of paragraph 2.

MCDONALD-CARANO-WILSON

100 WEST LIBERTY STREET, 10th FLOOR • RENO, NEVADA 89501
P.O. BOX 2670 • RENO, NEVADA 89505-2670
PHONE 775 788 2000 • FAX 775 788 2020

3. SILVER LEGACY is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 3 and therefore denies the same.

4. SILVER LEGACY repeats and realleges its responses to the allegations contained in paragraph 5.

5. As to the allegations contained in paragraph 6, SILVER LEGACY admits that BOHLMAN commenced her employment with SILVER LEGACY in July 1995 as a Spokesmodel and was subsequently promoted to the position of Lead Spokesmodel where she supervises certain employees, but denies the remaining allegations of said paragraph.

6. SILVER LEGACY admits that Jim Lordon was employed with SILVER LEGACY as the Director of Entertainment, but denies the remaining allegations contained in paragraph 7.

7. SILVER LEGACY denies the allegations contained in paragraphs 4, 8, 9 and each and every other remaining allegation.

AFFIRMATIVE DEFENSES

1. The Complaint fails to state a claim for relief upon which relief can be granted.

2. BOHLMAN's claims are barred by the doctrines of estoppel, waiver and laches, and by the applicable statutes of limitation.

3. SILVER LEGACY reasonably believed in good faith that its actions toward BOHLMAN were lawful, necessary and justified.

4. BOHLMAN failed to mitigate her damages, if any were sustained.

5. BOHLMAN has not incurred any damages for which SILVER LEGACY may be lawfully held responsible.

6. BOHLMAN unreasonably failed to timely take advantage of preventive or corrective opportunities provided by SILVER LEGACY.

1 7. SILVER LEGACY exercised reasonable care to promptly and adequately
2 prevent and correct any alleged harassing and retaliatory conduct.

3 8. SILVER LEGACY has at all times acted reasonably and in good faith
4 toward BOHLMAN

5 9. Actions, if any, toward BOHLMAN were taken for legitimate non-
6 discriminatory and non-retaliatory reasons.

7 10. BOHLMAN's demand for punitive damages is barred because the
8 imposition of punitive damages violates SILVER LEGACY's right to due process,
9 which is protected by the United States and Nevada Constitutions.

10 11. SILVER LEGACY reserves the right to assert additional defenses based
11 upon results of further investigation and discovery.

12
13 WHEREFORE, SILVER LEGACY prays as follows:

- 14 1. For an order dismissing BOHLMAN's complaint in its entirety and that
15 BOHLMAN take nothing thereby;
- 16 2. For an award of costs and fees; and
- 17 3. For such other and further relief as the Court may deem just and proper.

18
19 DATED this 27th day of December, 2005.

20
21 McDONALD CARANO WILSON LLP

22
23 By: 

24 MIRANDA DU
25 100 West Liberty, 10th Floor
26 P.O. Box 2670
27 Reno, NV 89505-2670

28 Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify, under penalty of perjury, that I am an employee of McDonald Carano Wilson LLP and that on this date I caused to be delivered in the United States mail, enclosed in a sealed envelope, upon which first class postage was fully prepaid and affixed thereto a true copy of the **ANSWER TO COMPLAINT** addressed to the individual listed below at his last known business address as follows:

Mark Mausert
930 Evans Avenue
Reno, NV 89512

DATED: December 27, 2005


Kathleen E. Ryd

MCDONALD-CARANO-WILSON LLP

100 WEST LIBERTY STREET, 10TH FLOOR • RENO, NEVADA 89501
P.O. BOX 2670 • RENO, NEVADA 89507-2670
PHONE 775 788 2000 • FAX 775 788 2020